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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,264	12/22/2000	Stephen John Blanchard	PPC-775	9836

7590 01/31/2002

Philip S. Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003

[REDACTED] EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
3761	

DATE MAILED: 01/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/746,264	BLANCHARD ET AL.
	Examiner Jamisue A. Webb	Art Unit 3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 December 2000 is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference numeral 32. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-7 and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. With respect to Claim 2: the phrase "wherein first hinge has a radius of curvature" is indefinite. This phrase is grammatically incorrect and the examiner believes either the word "a" should be before "first hinge".

5. Claims 2, 3, 11 and 12 recite the limitation "the longitudinal centerline". There is insufficient antecedent basis for this limitation in the claims.

6. Claims 2-4 recite the limitations "the second hinge" and "the second hinge". There is insufficient antecedent basis for these limitations in the claims.

7. With respect to Claim 4: the phrases "their respective lengths" and "at their respective distal edges" are indefinite. It is unclear what "their" is referring to, and the claim has not previously

claimed that anything had a length or a distal edge, therefore they lack antecedent basis and it is unclear that these things are.

8. With respect to Claim 5: the phrase "wherein the hinges are formed from include a material" is indefinite. This phrase is grammatically incorrect and it is unclear what the applicant is trying to claim.

9. Claim 5 recites the limitation "the absorbent structure" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 3, 5, 6, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Glassman (4,758,240).

12. With respect to Claims 1 and 10: Glassman discloses the use of a sanitary napkin (see Figure 2), with a main body portion, a topsheet (19), backsheets (24), and an absorbent core (15). The napkin having two longitudinal and two transverse edges, a central region, front end region and a rear end region (See Figures 2-4). Glassman discloses two longitudinal hinges (18, 12a) located in the center region (see Figure 2), is capable of bending, therefore providing a bending axis, and where one hinge is curved and one hinge is strait. (see Figure 2).

13. With respect to Claim 3: See Figure 2.

14. With respect to Claims 5 and 6: See column 4, lines 15-34.

15. With respect to Claim 11: Glassman discloses multiple hinges (18) that are curved and the inner one and outer one having different radius. (see Figure 2).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18. Claims 2, 4, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman (4,758,240).

19. With respect to Claim 2 and 4: Glassman discloses the claimed invention except for the strait line being towards the outside of the napkin and the curved line being towards the inside of the article. It would have been an obvious matter of design choice have the strait line towards the outside of the napkin and the curved line being towards the inside of the article, since applicant has not disclosed that the strait line towards the outside of the napkin and the curved line being towards the inside of the article solves any stated problem or is for any particular purpose and it appears that

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the invention would perform equally well with the strait line towards the center of the napkin and the curved line towards the outside.

20. With respect to Claim 12: Glassman discloses the claimed invention except for the first hinge having a lower radius of curvature than the second hinge. It would have been an obvious matter of design choice have the first hinge having a lower radius of curvature than the second hinge, since applicant has not disclosed that the first hinge having a lower radius of curvature than the second hinge solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the first hinge having a greater radius of curvature than the second hinge.

21. With respect to Claim 7: Glassman discloses that the hinges/channels are formed by compressions in the absorbent material, therefore forming densified areas (column 4, lines23-27). Glassman's groves have a density, however Glassman does not disclose the specific density of over 0.5 g/cm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the density of the groves, be greater than 0.5 g/cm, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205USPQ 215 (CCPA 1980).

22. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman (4,758,240) in view of Coles et al. (5,672,642).

23. With respect to Claim 8: Glassman, as disclosed above for claim 1, fails to disclose densified end channels. Coles discloses the use of longitudinal hinges, with barrier end channels (17), that are regions of the core that wax is applied to, it is the examiner's position that wax is denser than core material, and therefore form dense channels. It would have been obvious to one

having ordinary skill in the art at the time the invention was made to have the sanitary napkin of Glassman, include densified end channels, as disclosed by Coles, in order to prevent end soiling at the edges of the napkin (see Coles, column 1 and 2).

24. With respect to Claim 9: Coles discloses the side channels and end channels being more than 3mm apart. (See figure 3).

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cole et al. (5,514,104) and Congleton et al. (5,817,271) disclose the use of absorbent article with multiple densified channels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John G. Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

jaw   
January 28, 2002

# **Attachment for PTO-948 (Rev. 03/01, or earlier)**

**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

## **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

### **1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTO-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

### **2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, MUST be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

#### **Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.